

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff/Respondent,	:	Case Nos. 3:00CR050
	:	3:04CV001
vs.	:	
	:	District Judge Walter Herbert Rice
DONNIE TUNSTALL,	:	Magistrate Judge Sharon L. Ovington
	:	
Defendant/Petitioner.	:	
	:	


DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON SEPTEMBER 27, 2006 (Doc. #47); DENYING PETITIONER'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE (Doc. #42); DENYING A CERTIFICATE OF APPEALABILITY; AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #47), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on September 27, 2006 (Doc. #47) is ADOPTED in full;
2. Petitioner Donnie Tunstall's Motion to Vacate, Set Aside or Correction Sentence (Doc. #42) is DENIED;

3. A certificate of appealability shall not issue; and
4. This case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is positioned above a horizontal line.

Walter Herbert Rice
United States District Judge